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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on January 19, 2001

NOTICE OF ACTION TAKEN -- DOCKET OST-2000-7513 - 30

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Gemini Air Cargo, Inc. filed 1/8/01 for:

XX Exemption from Order 2000-10-19; startup deadline:

By Order 2000-10-19, the Department granted Gemini Air Cargo, Inc. (a) an exemption to engage in scheduled foreign air transportation of property and mail between Miami, Florida, on the one hand, and Quito and Guayaquil, Ecuador, on the other, (b) an exemption to integrate such authority with Gemini's existing certificate and exemption authority, and (c) an allocation of three weekly frequencies (narrow-body aircraft or wide-body equivalent) for services in the United States-Ecuador market. Gemini's frequency award was subject to a 90-day startup condition as well as our standard 90-day dormancy condition. Gemini states that while its plans for inaugurating scheduled service to Ecuador are proceeding well, it has not yet received the necessary authority from the Government of Ecuador for such operations, and does not expect such authorization before January 21, the date by which Gemini is required to start its service. Gemini states that it is hopeful that an extension through April 23, 2001, will be adequate and, therefore, requests an extension of the startup period through April 23, 2001.

Applicant rep.: Moffett B. Roller (202) 331-3300 DOT analyst: Linda Senese (202) 366-2367

DISPOSITION

XX **Granted** (see below)

The above action was effective when taken: January 19, 2001, through April 23, 2001¹

XX Action taken by: **Paul L. Gretch, Director**
Office of International Aviation

(See Reverse Side)

¹ Gemini's extension of the startup deadline is effective through April 23, 2001, or until the date on which Gemini begins service with its frequencies, whichever occurs earlier. If Gemini does not begin service by April 23, 2001, its frequency allocation expires automatically. Should Gemini commence service on or before that date, the 90-day dormancy condition with respect to Gemini's frequency allocation will begin on the date Gemini inaugurates service.

Remarks: We found that the requested exemption from the startup conditions imposed on Gemini's award in Order 2000-10-19 was in the public interest in the circumstances presented, namely, that Gemini had not yet received the necessary operating authority from the Government of Ecuador.

Under the authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the exemption was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the action taken in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*